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JAMES BONIN
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2009 SEP 18 AM 11:22

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV DAYTON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD SAVIANO,) Case No.: 3:09-CV-027 WHR
Plaintiff,) Judge: WALTER RICE
vs.)
CVS PHARMACY, INC., et al.) PLAINTIFF'S RESPONSE TO HIS
Defendant(s).) ATTORNEY'S MOTION TO WITHDRAW

NOW COMES THE PLAINTIFF, Richard Saviano, and submits the following proposed response to John Scaccia's Motion to Withdraw:

1. Plaintiff has made several attempts to contact his attorney, John Scaccia (hereinafter "Scaccia"), and left numerous messages without receiving any response from Scaccia or anyone from his law firm.
2. Scaccia has failed to timely respond to the Plaintiff's questions seeking legal advice regarding the format in which to respond to any and all of the Defendant's interrogatories causing said responses to become past due. The Plaintiff was without knowledge of the Defendant's motion to compel interrogatory responses, or this Court's corresponding Order, due to a communication breakdown on part of Scaccia.

1 3. Scaccia informed the Plaintiff on September 15, 2009, of this
2 Court's ruling ordering responses to Defendant's document 18 by
3 September 16, 2009. However, the format in which the Plaintiff
4 received this notice was in a letter from Scaccia informing him
5 of his notice to withdraw as counsel.

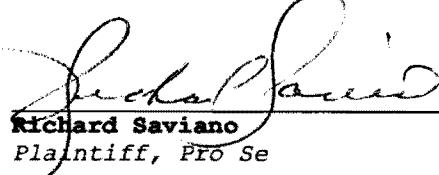
6 4. The only communication in which the Plaintiff received from
7 Scaccia since the Defendant's September 2, 2009 Motion to Compel
8 filing was a fax of the last page of the Interrogatory responses.
9 Scaccia requested the Plaintiff respond to said fax by signing
10 it, swearing as to the truth of the responses. However, the
11 Plaintiff did not know what responses he was swearing to or
12 receive any communication from Scaccia as to the content of these
13 responses.

14 5. The Plaintiff would like to continue this action as a matter of
15 justice but doesn't know how to proceed without the assistance of
16 counsel.

17
18 **WHEREFORE**, the plaintiff requests this Court:

19 a. Order Scaccia to remain as Plaintiff's counsel until the
20 conclusion of this action; or
21 b. Order settlement negotiations between the Plaintiff pro se and
22 defendant(s).

23
24 Dated this September 17, 2009

25
26 
27 Richard Saviano
28 Plaintiff, Pro Se

1 CERTIFICATE OF SERVICE

2 I certify that on September 17, 2009, a copy of the foregoing was sent
3 via U.S. regular Mail, postage pre-paid to the following:

4 ROBERT SEIDLER
5 Ogletree Deakins, Nash, Smoak, & Stewart
6 111 Monument Cir., Ste. 4600
7 Indianapolis IN 46204
8 **Attorney for Defendants**

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12 Richard Saviano
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